

Case No.: PD-0018-23

FILED
COURT OF CRIMINAL APPEALS
4/24/2023
DEANA WILLIAMSON, CLERK

In the Texas Court of Criminal Appeals

**CONTINENTAL HERITAGE INSURANCE COMPANY,
AGENT PAT KINNARD, D/B/A PAT KINNARD BAIL BONDS
*Plaintiff/Appellant***

V.

**THE STATE OF TEXAS,
*Defendant/Appellee.***

On Discretionary Review from the 291st Judicial District Court of Dallas County, Texas and Criminal District Court No. 3, the Honorable Gracie Lewis, Judge Presiding, Trial Court Cause No. F18-18863-J. Direct appeal in cause number 05-20-01005-CV from the Fifth Court of Appeals.

**Appellant's Motion for Leave to File a Reply
Brief Under Rule 70.4**

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**Counsel for Appellant Continental Heritage Insurance Company, Agent Pat
Kinnard, D/B/A Pat Kinnard Bail Bonds.**

To the Honorable Judges of the Texas Court of Criminal Appeals:

Continental Heritage Insurance Company, Agent Pat Kinnard, d/b/a Pat Kinnard Bail Bonds (hereinafter “Appellant”) files this motion for leave to file a reply brief under Rule 70.4.

This is a complicated case concerning the assessment of civil-filing fees in a criminal case. Appellant and Appellee have briefed this issue before five trial courts and the Fifth Court of Appeals. Appellee has abandoned all of his prior arguments and his entire case rests on new arguments. Because Appellee had not made these arguments before, counsel for Appellant did not address the arguments in his opening brief. Counsel for Appellant asks this Court for leave under Rule 70.4 to file a reply brief. Appellant asks for twenty days from the date Appellee filed its brief (April 21, 2023) to file the reply. Appellant also asks for 7,500 words. The request for 7,500 words complies with Rule 9.4(i)(2)(C). Naturally the reply will be limited to issues raised by Appellee in its opening brief.

CONCLUSION AND PRAYER

Appellant asks this Court for leave to file a reply brief under Rule 70.4. Appellant asks for the brief to be due on May 11, 2023 (twenty days after Appellee filed its brief) and for 7,500 words as is standard under Rule 9.4(i)(2)(C). The reply brief will address only issues raised by Appellee in its opening brief.

Respectfully Submitted,

/s/ Niles Illich

Niles Illich

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CERTIFICATE OF CONFERENCE

On April 24, 2023, counsel for Appellant sent an email to counsel for Appellee (David Villafuerte) concerning this motion. Mr. Villafuerte is opposed.

/s/ Niles Illich
Niles Illich

CERTIFICATE OF COMPLIANCE

This is to certify that this Brief complies with the Texas Rules of Appellate Procedure because it is computer generated and includes 600 words as counted by the word count feature included with Microsoft Word. This Brief also complies with the typeface requirements because it has been prepared in a proportionally-spaced typeface using Microsoft Word in 14-point Times New Roman font for the text and 12-point Times New Roman font for the footnotes.

/s/ Niles Illich
Niles Illich

CERTIFICATE OF SERVICE

This is to certify that on April 24, 2023 that a true and correct copy of this Brief was served on lead counsel for all parties in accord with Rule 9.5 of the Texas Rules of Appellate Procedure. Service was accomplished through an electronic commercial delivery service and electronic mail as follows:

David Villafuerte at david.villafuerte@dallascounty.org
Counsel for Appellee

/s/ Niles Illich
Niles Illich

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Lauren Lewison on behalf of Niles Illich

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Envelope ID: 74954217

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Filing Description: Appellant's Motion for Leave to File a Reply Brief Under Rule 70.4

Status as of 4/24/2023 2:45 PM CST

Associated Case Party: Continental Heritage Insurance Company, Agent Pat Kinnard, D/B/A Pat Kinnard Bail Bonds

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